REMARKS

In response to the Office Action dated March 26, 2008, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 4, 13, 17 and 20 have been canceled, without prejudice or disclaimer, to expedite prosecution. Such cancellation should not be construed as acquiescence in any rejections.

Claims 1-20 and 22-25 were rejected under 35 U.S.C. § 112, second paragraph. One issue raised by the Examiner is the nature of the consumer network and whether this is different than the distribution network. According to exemplary embodiments, Applicants' specification does teach that the distribution network 20 is different than the consumer network 26. The consumer network 26 may represent a user's home network in exemplary embodiments. The Examiner also noted that "without user interaction" was unclear. The claims have been amended to clarify this clause. The Examiner is correct that by joining a community, a consumer provides some "interaction" with what content is recorded. The claims have been amended to reflect that the user need not initiate the storing process as a separate, express step.

Claims 1-4, 6-10, 12-17, 19, 20 and 22-25 were rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Pea and Yap. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia,* "storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content." None of Knight, Pea and Yap teaches or suggests these features.

Knight fails to teach storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content. In Knight, a user is directed to newsgroups or message boards based on interests, but Knight is not

related to broadcast television programming and storage on a consumer digital video recorder. Pea was relied upon for allegedly disclosing a grid computing platform, but fails to cure the deficiencies of Knight discussed above.

Yap does teach recording broadcast television programming, but does not teach recording "without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content." In Yap, the user interacts with an electronic program guide to specify items for recording. The process in Yap is described in paragraphs [0060] – [0066] and shown in Figure 3. As described by Yap, the consumer does indeed initiate storing of content by selecting content through the EPG. None of Knight, Pea and Yap teaches or suggests "storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content." Thus, even if Knight, Pea and Yap are combined the features of claim 1 cannot result.

For at least the above reasons, claim 1 is patentable over Knight in view of Pea and Yap. Claims 2, 3, 6, 24 and 25 variously depend from claim 1 and are patentable over Knight in view of Pea and Yap for at least the reasons advanced with reference to claim 1.

Claims 7, 14 and 22, as amended, recite features similar to those discussed above with reference to claim 1. As discussed above with reference to claim 1, Knight and Pea and Yap fail to teach these features and claims 7, 14 and 22 are patentable over Knight in view of Pea and Yap for at least the reasons advanced with reference to claim 1. Claims 8-10, 12 and 23 are dependent upon claim 7 and are patentable over Knight in view of Pea and Yap for at least the reasons advanced with reference to claim 7. Claims 15, 16 and 19 depend from claim 14 and are patentable over Knight in view of Pea and Yap for at least the reasons advanced with reference to claim 14.

Claims 5, 11 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Pea and Yap and Levinson. This rejection is traversed for the following reasons.

Levinson was relied upon for disclosing billing a consumer upon the consumer accessing content, but fails to cure the deficiencies of Knight and Pea and Yap discussed above. Levinson fails to teach "storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content." Claims 5, 11 and 18 depend from claims 1, 7 and 14 and are patentable over Knight in view of Pea and Yap and Levinson for at least the reasons advanced with reference to claims 1, 7 and 14.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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